INGA MILLER 4747 E. Elliot Rd. #29-303

Phoenix, AZ 85044

Telephone: (602) 750-1159

reinvestments@cox.net

RECEIVED

2011 JAN 21 P 2: 23

Debtor in Possession Pro Per

CLERK U.S. BANKRUPTCY DISTRICT OF ARIZONA

## IN UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ARIZONA

In re:	In Proceedings Under Chapter 1
INGA MILLER,	Case No. 2:10-bk-24542-GBN
Debtor and Debtor in Possession. )	DEBTOR'S OBJECTION TO PROOF OF CLAIM NO. 13
) ) )	Claimant: Mortgage First Re: 448 E. Fillmore St., Tempe, AZ 85281

TO THE HONORABLE. GEORGE B. NIELSEN, JR., UNITED STATES BANKRUPTCY COURT JUDGE. THE CLAIMANT, THE U.S. TRUSTEE AND OTHER INTERESTED PARTIES:

Debtor, INGA MILLER, (herein referred to as "Debtor") in *pro per* files this objection to MORTGAGE FIRST (Claimant) Proof of Claim No. 13 on the grounds that the Claim is not in compliance with Federal Rules of Bankruptcy Procedure.

## **BACKGROUND**

- 1. On or about August 4, 2010, Debtor filed a petition for Chapter 11 bankruptcy relief.
- 2. The Debtor is the owner of record for the property known as 448 E. Fillmore St.,

1 of 2

Tempe, AZ 85281.

- 3. Claimant's claim is scheduled as unsecured, nonpriority, unliquidated and disputed on Debtor's Schedule F.
- 4. On December 3, 2010, said property was appraised for \$107,000.
- 5. Claim #13 is for an alleged '2<sup>nd</sup> mortgage' and there is currently a senior Deed of Trust in the amount of \$124,000.
- 6. This Court set December 20, 2010 as the Bar Date for filing proofs of claim.
- 7. On or about January 14, 2011 (25 days past the bar date), Claimant filed a Proof of Claim in the amount of \$141,315.10.

## CLAIMANT FAILED TO COMPLY WITH FEDERAL RULES OF BANKRUPTCY PROCEDURE RULES 3001 and 3003

- 8. Claimant's Proof of Claim is not in compliance with FRBP Rule 3001. Claimant filed to provide documentation to support their claim amount.
- 9. Claimant's Proof of Claim is not in compliance with FRBP Rules 3003(c)(3). Claimant failed to timely file their proof of claim and failed to request an extension of time for cause.

WHEREFORE, the Debtor respectfully requests that this Court:

- 1. Sustains Debtor's Objection;
- 2. Denies and disallows Claim No 13 in its entirety; and
- 3. Grants all such other relief as the Court may deem just and proper.

  RESPECTFULLY submitted this 2/5 of January, 2011.

INGA MILLER

Debtor in Possession Pro Per